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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,912	12/07/2006	Kenji Yamaguchi	278542014100	3804
25225 7590 09/29/2010 MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040				
EXAMINER MAGLOIRE, VLADIMIR				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,912

**Applicant(s)**

YAMAGUCHI, KENJI

**Examiner**

VLADIMIR MAGLOIRE

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 5/19/2010. Since this application is eligible for continued examination under CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-7, 9-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-7, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al (US 6,741,855 B1: hereinafter "Martin") in view of Kam (US 2003/0147095 A1: hereinafter "Kam").

Consider claim 1, Martin discloses a terminal device for transmitting and receiving mails (see Martin, fig. 3 item 330, fig. 1 item 112, Col 7 lines 24 to 26, Col 13 lines 7 to 10, discloses a terminal device for transmitting and receiving emails), comprising:

a mail receiving unit (see Martin, fig. 3 item 318, Col 14 lines 41 to 67, discloses a communication interface which is responsible for receiving and transmitting data signals such as the received email commands sent in Col 3 lines 31 to 35, therefore a mail receiving unit);

a judging unit (see Martin, fig. 3 item 304, Col 13 lines 47 to 49) to judge whether a command declaration is included in a received mail (see Martin, Col 9 lines 8 to 11, Col 11 lines 19 to 27, discloses "if the command message request that headers be sent, the bot service will obtain the data necessary to retrieve the requested commands", therefore the bot judges if the received email contains a command message);

a command interpreting unit (see Martin, fig. 3 item 304, Col 13 lines 47 to 49) to extract and interpret a specific command following the command declaration if the judgment of the judging unit is affirmative (see Martin, Col 11, lines 1 to 12, lines 22 to 35, Col 7 lines 27 to 39, discloses a list of commands following command declarations which specify specific functions, if the commands are included in the email, therefore a command interpreting unit);

a creating unit (see Martin, fig. 3 item 304, Col 13 lines 47 to 49, Col 9 lines 8 to 13, discloses a list of email headers is created based on the number request by

**the user, therefore a creating unit)** to, if the specific command is interpreted as target list creation an instruction to create a list of one or more targets **(see Martin, Col 9 lines 8 to 13, discloses a list of headers is specified by the command message and is created)**, which are specified by the specific command, create **(see Martin, Col 9 lines 8 to 14)**, from the targets stored in memory **(see Martin, fig. 3, items 306, 310)** of the terminal device the list of the one or more targets which are specified by the specific command **(see Martin, Col 9 lines 10 to 12, discloses the email headers are retrieved from the server “terminal device”, based on the command “sendheaders: nn”)**, wherein

the number of the one or more targets in the list is a predetermined number that has been specified **(see Martin, Col 9 lines 10 to 12, discloses the command “sendheaders: nn”, where nn specifies the number of subheaders)**, and

if the targets are received mails, at least a sender, a time, and a subject are displayed in the list, with respect to each of the received mails **(see Martin, Col 9 lines 8 to 51, Col 11 lines 45 to 50, discloses the targets are emails, and the header of the emails are sent back in a list which contains sender, subject and time);** and

a mail transmitting unit **(see Martin, fig. 3 item 304, Col 13 lines 47 to 49)** to create and transmit a mail having the created list as a mail body and addressed to a requester **(see Martin, Col 9 lines 13 to 14, Col 11 lines 65 to 67, Col 12 lines 1 to 5, discloses returning the email header list to the requestor via email, therefore a mail transmitting unit).**

Martin discloses a time of retrieval of the email list (**see Martin, Col 9 lines 30 to 35, discloses "Mail Hdrs@11:53 AM")**).

Martin fails to specifically disclose a received date with respect to each received mails is displayed in the list.

In the same field of endeavor, Karn discloses teaches a received date with respect to each received mails is displayed in the list.

Given that Martin discloses a retrieval timestamp and a list of calendar dates, therefore able to send dates of occurrences in a list, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by including email received date, as taught by Karn, thereby providing a user with the ability to view and print emails (see Karn, paragraph [0005]).

Consider claim 3, the terminal device of claim 1, the combination of Martin and Karn disclose wherein the command declaration is a unique character string different from a mail text (**see Martin, Col 7 lines 27 to 39, Col 11 lines 1 to 13, Col 12 lines 25 to 30, discloses unique character strings used for commands which the bot can differentiate from mail text**), and the specific command is a line of code including a storage location of the targets (**see Martin, Col 3 line 44, discloses commands specify querying a database, therefore storage location**), a type of the targets, and a process to be performed (**see Martin, Col 11 lines 1 to 12, discloses commands which specify types of targets and process to be performed**).

Consider claim 4, the terminal device of claim 3, the combination of Martin and Karn disclose wherein the targets are received mails, transmitted mails, schedules of events, images, an address book, received voice calls, or transmitted voice calls (**see Martin, Col 3 lines 40 to 45, Col 7 lines 50 to 62, discloses targets maybe calendar events, stored emails, schedule of events**).

Consider claim 5, the terminal device of claim 1, the combination of Martin and Karn disclose if a specific command transmitted by the requestor after the requestor checks the list of the mail is a request of transmitting a specific item in the list (**see Martin, fig. 5 steps 507 to 515, Col 11 lines 35 to 67, Col 12 lines 1 to 2, discloses a user sends a command and receives a list of email headers, then the user makes another request based on the reply message from the bot**), the specific item is read from the memory, and a mail having the read specific item as a mail main body and addressed to the requestor is created and transmitted (**see Martin, fig. 5 steps 507 to 515, Col 11 lines 35 to 67, Col 12 lines 1 to 2, discloses a user sends a command and receives a list of email headers, then the user makes another request based on the reply message from the bot, the bot then retrieves the specified messages from the server and then a reply is sent back to the user with the results**).

Consider claim 6, the terminal device of claim 1, the combination of Martin and Karn disclose wherein if a specific command transmitted by the requestor after the requestor checks the list of the mail is a request of deleting a specific item in the list, the

specific item is deleted from the memory (**see Martin, Col 3 lines 40 to 42, Col 11 line 4, discloses sending a command to delete a particular mail from the server**).

Consider claim 7, the terminal device of claim 5, the combination of Martin and Karn disclose wherein a mail having a main body which indicates completion of the deletion and addressed to the requestor is created and transmitted (**see Martin, Col 6 lines 33 to 37, discloses “Upon completion of the requested task, bot service 108 transmits the reply message (e.g. via email) to mobile device which in turn displays the result to the user”, prior to this lines 8 to 11, discloses the task that are commanded includes deletion, therefore mail having a main body which indicates completion of the deletion and addressed to the requestor is created and transmitted**).

Consider claim 14, the terminal device of Claim 1, the combination of Martin and Karn wherein the list of the one or more targets is created by selecting a predetermined number of the targets, in order of most recently received (**see Martin, Col 4 lines 64 to 66, discloses sending a command to retrieve the last 25 electronic mail documents that reside on the server, therefore most recently received**).

5. Claims 2, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Karn further in view of Satoh (EP 0881587 A2: hereinafter



"Satoh", previously provided in prior office, therefore not provided in this action, and not listed in PTO-892)

Consider claim 2, the terminal device of claim 1, the combination Martin and Karn disclose authentication at the requesting device (**see Karn, fig. 3 step 104, paragraph [0015-16]**) and authentication when modifying a bot profile (**see Martin, Col 8 lines 45 to 55**), and further discloses a comparing unit (**see Martin, Col 8 lines 45 to 55, discloses a user must enter a login password before any changes can occur, therefore a password is compared, therefore a comparing unit**).

The combination of Martin and Karn fail to disclose if a password accompanies the command declaration and the judgment of the judging unit is affirmative, the password, and compare the password with a password owned by the terminal device; and an authorizing unit operable to authorize the extraction and interpretation of the specific command if the passwords match each other.

In the same field of endeavor, Satoh teaches a comparing unit operable to detect, if a password accompanies the command declaration and the judgment of the judging unit is affirmative, the password, and compare the password with a password owned by the terminal device (**see Satoh, page 10 lines 39 to 45, discloses a password is sent along with the command email, the password is checked to verify a registered user, therefore the passwords are compared, and verified prior to open the email to check for commands**); and an authorizing unit operable to authorize the extraction and interpretation of the specific command if the passwords

match each other **(see Satoh, page 10 lines 39 to 47, discloses using the password to verify if a user is registered, if the user is authenticated then email is searched for command keywords)**).

Given that the combination of Martin and Karn each discloses processes of authentication, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination Martin and Karn by verifying a user password with the command email, as taught by Satoh, thereby providing a more secure system.

Consider claim 12, the terminal device of claim 2, the combination of Martin, Karn and Satoh disclose wherein the command declaration is a unique character string different from a mail text **(see Martin, Col 7 lines 27 to 39, Col 11 lines 1 to 13, Col 12 lines 25 to 30, discloses unique character strings used for commands which the bot can differentiate from mail text)**, and the specific command is a line of code including a storage location of the targets **(see Martin, Col 3 line 44, discloses commands specify querying a database, therefore storage location)**, a type of the targets, and a process to be performed **(see Martin, Col 11 lines 1 to 12, discloses commands which specify types of targets and process to be performed)**.

Consider claim 13, the terminal device of claim 12, the combination of Martin, Karn and Satoh disclose wherein: the targets are received mails, transmitted mails, schedules of events, images, an address book, received voice calls, or transmitted

voice calls **(see Martin, Col 3 lines 40 to 45, Col 7 lines 50 to 62, discloses targets maybe calendar events, stored emails, schedule of events).**

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Karn further in view of Farnham et al (US 2003/0158855 A1: hereinafter "Farnham").

Consider claim 9, the terminal device of claim 1, the combination of Martin and Karn disclose wherein if the targets are schedules of events, a date, a time, with respect to each of the schedules of events **(see Martin, Col 3 lines 44 to 45, Col 9 lines 15 to 22, discloses targets are calendar events and date and time are requested).**

The combination of Martin and Karn do not specifically disclose an icon indicating a type of an event are displayed in the list.

Farnham discloses an icon indicating a type of an event are displayed in the list **(see Farnham, paragraph [0158], discloses using symbols to indicate a type of event on a calendar "list" sent to a user).**

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Martin and Karn by having an icon indicating a type of an event displayed in a list, as taught by Farnham, thereby providing quick reference to the type of event scheduled.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Karn further in view of Hatakama et al (US 2002/0147661 A1; hereinafter "Hatakama").

Consider claim 10, the terminal device of claim 1, the combination of Martin and Karn do not specifically disclose wherein if the targets are images, a shooting date, a title, an address in which an image is stored are displayed in the list, with respect to each of the images.

In the same field of endeavor, Hatakama discloses if the targets are images, a shooting date, a title, an address in which an image is stored are displayed in the list, with respect to each of the images **(see Hatakama, fig. 13 "Picture ID" denotes location of image, "Type" denotes the title of the picture, "Date" denotes the shooting date, fig. 12 steps s41-s45, fig. 14 steps s51-s54, discloses a user request a listing page and the network returns a list of pictures with a shooting date, title and address in which an image is stored).**

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Martin and Karn by sending a listing of images, with shooting date, title and image location, as taught by Hatakama, thereby providing an easier manner of previewing and purchasing images (see Hatakama, paragraph [0010-0011]).

8. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Karn further in view of Theimer (US 6,519,241 B1: hereinafter "Theimer").

Consider claim 11, the combination of Martin and Karn disclose the terminal device of claim 1, being a server on the internet.

The combination of Martin and Karn do not specifically disclose the terminal device is mobile phone.

In the same field of endeavor, Theimer discloses a mobile phone with the functionality of a web server (**see Theimer, Abstract, Col 3 lines 31 to 43, discloses a mobile phone acting as a web server**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Martin and Karn by using a mobile phone as the server, as taught by Theimer, thereby creating a more mobile and flexible system.

Consider claim 16, the combination of Martin, Karn, and Theimer disclose the terminal device of claim 11, further comprising: a display unit to display data stored in the memory (**see Martin, fig. 3 discloses display 312 coupled to memories 306, 308, 310 via Bus 302, therefore to display data stored in the memory**).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Karn further in view of Rouse et al (US 6,757,530 B2: hereinafter "Rouse").

Consider claim 15, the terminal device of claim 1, the combination of Martin and Karn disclose targets are received emails.

The combination of Martin and Karn fail to specifically disclose wherein if the targets are the received mails, unread mails are included in the list and read mails are not included in the list.

In the same field of endeavor, Rouse discloses if the targets are the received mails, unread mails are included in the list and read mails are not included in the list **(see Rouse, Col 6 lines 15 to 25, Col 10 lines 38 to 56, discloses a user sends a request to view a list of unread emails which is then displayed on the users phone via the internet).**

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Martin and Karn by sending a list only of unread emails, as taught by Rouse, thereby providing a user with quick access to unviewed mail.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VLADIMIR MAGLOIRE whose telephone number is (571)270-5144. The examiner can normally be reached on Monday to Friday, 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vladimir Magloire/  
Examiner, Art Unit 2617 9/21/10